

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. No. 98-189 (HL)

[6] ROBERTO FERRARIO POZZI,

Defendant.

AMENDED PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on December 29, 1998, the Grand Jury returned a Second Superseding Indictment against, among others, the defendant of caption. The Second Superseding Indictment contained forfeiture allegations, pursuant to 18 U.S.C. § 982, listing numerous domestic and foreign bank accounts as subject to forfeiture based on their involvement in Ferrario's money laundering scheme and/or as substitute assets.

AND WHEREAS the Indictment also sought a personal money judgment against the defendant for a sum of money equal to the total amount involved in each offense, or conspiracy to commit such offense, for which the defendant is convicted.

AND WHEREAS the defendant Ferrario pled guilty to Count Three of the Second Superseding Indictment on August 15, 2002.

AND WHEREAS a hearing was held on February 13, 2003, whereby it was determined that Ferrario had to forfeit the amount of three million seven hundred thousand dollars (\$3,700,000.) to the United States in that such sum, in the aggregate, constituted or was derived from the proceeds from the property traceable to the defendant's money laundering activities, including all money or other property that was the subject of each transaction, and all

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commissions, fees, and other property constituting proceeds obtained as a result of the defendant's money laundering activities.

AND WHEREAS at the hearing held on February 13, 2003, the United States also presented evidence of the numerous wire transfers made by Ferrario to other domestic and foreign accounts in furtherance of his criminal activity.

AND WHEREAS based upon the evidence at the hearing mentioned above on August 21, 2003, the Honorable Court, upon motion by the United States, entered a Preliminary Order of Forfeiture.

AND WHEREAS a careful examination of the motion and order reveals that several accounts which should have been included in the Preliminary Order of Forfeiture were inadvertently omitted.

AND WHEREAS the United States hereby moved for an Amended Preliminary Order of Forfeiture.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

Based upon the evidence presented at the hearing held on February 13, 2003, that the defendant Ferrario must forfeit to the United States following property:

1. A money judgment in the amount of THREE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$3,700,000.00) in United States Currency which constitutes property which was derived from the proceeds from the property traceable to the defendant's money laundering activities, including all money or other property that was the subject of each transaction, and all commissions, fees,

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and other property constituting proceeds obtained as a result of the defendant's money laundering activities.

2. The following specific property:

- a. \$ 113,000.00 sent to Sun Trust Bank account number 0793003050117 held in the name of A & E Used Truck Parts.
- b. \$200,000.00 sent to Banco Commerciale Ita account number 54717050175 held in the name of Agostino Ferrari S.P.A.
- c. \$673,255 sent to Credit Suisse P.B account number 172477745-42 held in the name of Brianzanet.
- d. \$178,618.25 sent to Banco Correstate Bank account number 210001177393 held in the name of Canada Packers.
- e. \$227,000 sent to Banco Extebandes account number 120607677 in the name of Consorcio Neshor LTD.
- f. \$50,000 sent to Commerce Bank account number 3083003824 in the name of Consorcio Neshor LTD.
- g. \$157,270 sent to Tojo Bank Futaba account number 185184 held in the name of Global Corporation.
- h. \$325,250.00 sent to First Bank of the Americas account number 1000123960 held in the name of Intertur.
- i. \$155,937.21 sent to Duetsche Bank Argentina account number 2638588 in the name Orchidye S.A.
- j. \$130,000 sent to The Dai Ichi Kangyo account number 900125719 held in the name of Watex International.
- k. \$106,843 sent to Cho Hung Bank account number 374710000585 held in the name of Royal Auto Parts.
- l. \$1,465,000 sent to First Bank of the Americas account number 1100881018 held in the name of Rozatta LTD.

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- m. FirstBank account # 305001389 in the name of "Multipix Inc" for the amount of \$245.28.
- n. FirstBank account # 302007057 in the name of "Roberto Ferrario" for the amount of \$4,308.65.
- o. Banco Popular account # 11269243 in the name of Roberto Ferrario" for the amount of \$1,328.92.
- p. Banco Popular account # 11902442 in the name of "Roberto Ferrario" for the amount of \$1,181.54.
- q. Banco Popular account # 1125421 in the name of Roberto Ferrario in the amount of \$83,087.88.
- r. Ocean Bank account # 50509821105 in the name of Invalores LTD in the amount of \$250,000.00.
- s. Cathay Bank account # 120025 in the name of Mobil Tech in the amount of \$255,000.00.
- t. Banco Cafetalero Intl. account # 593104031 in the name of Orlando Fajardo Castillo in the name of \$110,000.00.
- u. First Union Natl. account # 2090001786014 in the name of Valley Cargo in the amount of \$60,000.00.
- w. First Union Natl. account # 2090001186164 in the name of Valley Express in the amount of \$20,000.00.
- x. LaSalle Bank, NA account # 2323707 in the name of Global Marketing in the amount of \$47,536.56.
- y. Bank Boston Int'l account # 9047939 in the name of Hernando M. Aristizabal in the amount of \$475,000.00.
- z. Republic Nat'l Bank account # 0311007692 in the name of Fortuity Int'l in the amount of \$61,000.00 .
- aa. I.F.B. Bank account # 040400401906 in the name of Competition LTDA, for the amount of \$79,600.00.

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- bb. FirstBank account #305001378 in the name of Multipix in the amount of \$2,251.77

IT IS FURTHER ORDERED:

That the aforementioned forfeited property is to be held by the United States Marshals Service in their secure custody and control.

That pursuant to Title 21 United States Code, Section 853, the United States forthwith shall publish three times for three consecutive weeks in “El Nuevo Dia,” a newspaper of general circulation in the island of Puerto Rico, notice of this Order, notice of the United States Marshals Service’s intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition within the court with thirty (30) days of the publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner’s alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner’s right, title or interest in each of the forfeited property and any additional facts supporting the petitioner’s claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

That upon adjudication of all third-party interests, this court will enter a Final Order of Forfeiture pursuant to Title 21 United States Code, Section 853, in which all interests will be addressed.

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SO ORDERED on this ____ day of June, 2005.

HON. HECTOR M. LAFFITTE
UNITED STATES DISTRICT JUDGE